

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	20cv6852 (DLC)
	:	
CHAUNCY RAMOS,	:	<u>ORDER</u>
	:	
Plaintiff,	:	
	:	
-v-	:	
	:	
CITY OF NEW YORK,	:	
	:	
Defendant.	:	
	:	
-----	X	

DENISE COTE, District Judge:

On August 24, 2020, the plaintiff filed the above-captioned action in this Court. On September 15, the plaintiff filed an Amended Complaint. On February 18, 2021, the defendant filed a motion to dismiss. On March 17, the plaintiff filed a Second Amended Complaint. On March 29, the defendant filed a motion to dismiss the Second Amended Complaint. An Order of October 1 required the plaintiff to file any opposition to the defendant's motion to dismiss the Second Amended Complaint on or before December 1. No motion was filed. This case was reassigned to this Court on December 10.

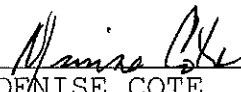
When, as here, a plaintiff has failed to prosecute their case or comply with court orders, a court may dismiss the case pursuant to Rule 41(b), Fed. R. Civ. P. See Lewis v. Rawson, 564 F.3d 569, 575-76 (2d Cir. 2009) (noting that the exercise of

a court's discretion under Rule 41(b) often occurs where parties fail to comply with a scheduling order or respond to pending motions). Here, the motion to dismiss appears meritorious as the plaintiff is challenging a sentence imposed in state court in 1992. In any event, the plaintiff has not communicated with the Court for any reason since September 29, 2021. Accordingly, it is hereby

ORDERED that this action is dismissed without prejudice.

The Clerk of Court shall close the case.

Dated: New York, New York
January 19, 2022



DENISE COTE
United States District Judge